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REMARKS

Claims 1-5 and 7-24 are pending in the application. Claims 1, 4, 5, 7, 8, 12, and 19-21 have been amended by the present amendment. Claims 6 and 25 have been canceled without prejudice. The amendments are fully supported by the specification as originally filed.

For example, independent claim 1 has been amended to incorporate the subject matter of claim 6, which has been canceled. Independent claim 12 has been amended to incorporate similar subject matter, and to recite that a plurality of pores lead from an interior of the barrier material to one or more barrier surfaces. Independent claim 21 has been amended to incorporate the subject matter of claim 25, which has been canceled.

Claims 4, 5, 7, 8, 19, and 20 were rejected under 35 USC 112, second paragraph, as being indefinite because of lack of antecedent basis of certain terms. In each instance, the word "the" has been deleted from the relevant claim, thereby providing proper antecedence. For example, in claim 4, the word "the" has been deleted before "barrier surfaces contacted by the oxygen containing gas," thereby obviating the rejection. It is believed that the amendments to claims 4, 5, 7, 8, 19, and 20 overcome all of the outstanding rejections under 35 USC 112.

As amended, independent claims 1, 12, and 21 recite a metallic barrier, method, and fuel cell in which the metallic barrier separates oxygen containing gas from hydrogen containing gas, as commonly provided in fuel cells. Claims 1, 12, and 21 also require the metallic barrier to include at least "one or more fluidly connecting pores **leading from an interior of the barrier to one or more barrier surfaces,**" where **at least a portion of the metallic barrier comprises a noble metal** (see, e.g., claim 1).

By providing a metallic barrier composed of one or more noble metals, an oxide layer is not formed in the presence of oxygen in the fuel cell (see specification at page 7, lines 6-8). Because the barrier includes pores vented to surfaces of the barrier, oxygen and hydrogen meet and react within the pores, and steam flows out of the pores as a byproduct of this reaction, thereby limiting internal pressure buildup within the barrier (see page 7, lines 11-13).

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Claims 1-25 were rejected under 35 USC 102(b) as being clearly anticipated by U.S. Patent Application Publication US 2002/0155338 to Croset. Claims 1-7, 12-17, and 19-25 were rejected under 35 USC 102(b) as being clearly anticipated by U.S. Patent Application Publication US 2002/0094471 to Mercuri. These rejections are respectfully traversed.

The Croset and Mercuri references do not teach or suggest a metallic barrier as recited in independent claims 1, 12, and 21, where at least a portion of the metallic barrier comprises a noble metal, the metallic barrier including one or more pores leading from an interior of the barrier to one or more barrier surfaces (see, e.g., claim 1).

Croset discloses a fuel cell 10 including an ion-exchange membrane 12 in contact with two gas distributors 14 made of a nickel foam covered with a chromium layer (see, e.g., paragraphs 0040 to 0044). There is no teaching or suggestion that the membrane 12, gas distributors 14, or any other component of the fuel cell 10 is composed of a noble metal. Also, Croset does not teach or suggest a barrier having one or more pores leading from an interior of the barrier to one or more barrier surfaces.

In fact, Croset discloses the use of a chromium top layer on the gas distributors 14. In contrast, the Applicant's specification specifically discourages the use of chromium-based separators (see, e.g., application at page 2, line 15 to page 3, line 2). Croset simply does not teach or suggest a metallic barrier including pores extending to surfaces of the barrier, where at least a portion of the barrier comprises a noble metal.

Mercuri is directed to a catalyst support material for a fuel cell, the catalyst support material being made of a layer of electrically anisotropic particles "milled from flexible graphite sheet" (see paragraph 0051). A fuel cell 500 disclosed in Mercuri includes flow field plates 1000 and 1100, where pressurized fuel is circulated through grooves 1400 of the flow field plate 1100, and pressurized oxidant is circulated through grooves 1200 (see paragraph 0049). Electrodes 110 are porous to the grooves 1200 and 1400, such that hydrogen and oxygen can be brought

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into contact with catalyst 600 (see paragraph 0050). However, there is no teaching or suggestion of any pores that lead from an interior of a metallic barrier to one or more barrier surfaces, as recited in the Applicant's claimed invention.

For at least the reasons discussed above, the Croset and/or Mercuri references do not anticipate or otherwise render obvious the Applicant's claimed invention.

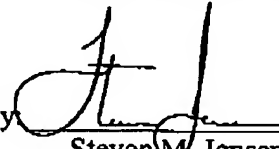
It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

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Date: October 5, 2005

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